(4) தமிழ்நாடு 1968-ம் ஆண்டு இனும்கள் (தீர்வை விதித்தல்) (திருத்த) மசோதா (ச. பே. மசோதா எண் 12/1968).

THE HON. THIRU K. A. MATHIALAGAN: Mr. Deputy Speaker, Sir, I beg to move—

'That the Madras Inam (Assessment) (Amendment) Bill [a], 1968, be taken into consideration'.

The Madras Inam (Assessment) Act, 1956 (Madras Act XL of 1956) provides for the levy of full assessment on certain inam lands in the State. Under sub-section (2) of section 1 of that Act, the Act shall be deemed to have come into force on the 1st day of July 1956. The Act was published in the *Fort St. George Gazette*, dated the 27th February 1967. Section 3 of the Act empowers the Government to levy full assessment on inam lands after following the procedure laid down in sub-sections (2) and (3) of that section. Rule 17 of the Madras Inams (Assessment) Rules, 1957, framed under the Act provides for the levy of assessment with effect from the 1st July 1956. In Writ Petitions Nos. 441, 642, etc., of 1964, the Madras High Court has held that sub-section (2) of section 1 of the Act is not sufficient to give retrospective effect to the assessment from the 1st July 1956 and that under that section only the process of assessment can be initiated from the 1st July 1956. The High Court has also observed that if the intention of the Legislature is that the assessment as finally determined under sub-section (3) of section 3 should relate back to the 1st July 1956, a specific provision to that effect should be made. In the light of the above judgment, it was considered necessary to make a specific provision in section 3 of the Act to the effect that the assessment will take effect from the 1st July 1956 and to validate the levy and collection already made.

It was also considered necessary to amend section 3-A of the Act so as to make it clear that the revised assessment under that section should take effect from the commencement of the fasli year in which such revised assessment is published. Accordingly the Madras Inams (Assessment) (Amendment) Ordinance, 1968 (Madras Ordinance 3 of 1968) was promulgated by the Governor. The Bill seeks to replace the Ordinance aforesaid.

I request the House to accept the motion.

தீர்மானம் பேரவையின் முடிவிற்கு விடப்பட்டு, மசோதா பிரிவு வாரியாக ஆய்வுக்கு எடுத்துக் கொள்ளப்பட்டது.

பிரிவுகள் 2, 3, 4, 5 ஆகியவை பேரவையின் முடிவிற்கு விடப்பட்டு, நிறைவேற்றப்பட்டன.

நெடுந்தலைப்பு, முகப்புரை, முதல் பிரிவு ஆகியவை பேரவையின் முடிவிற்கு விடப்பட்டு நிறைவேற்றப்பட்டன.

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[a] Published in the *Fort St. George Gazette* Extraordinary dated 19th August 1968

THE HON. THIRU K. A. MATHIALAGAN : Sir, I move—

' That the Madras Inams (Assessment) (Amendment) Bill, 1868 (L.A. Bill No. 12 of 1969) be passed.

தீர்மானம் பேரவையின் முடிவிற்கு விடப்பட்டு, மசோதா சட்டமாக நிறைவேற்றப்பட்டது.

(5) தமிழ்நாடு, 1968-ம் ஆண்டு, ஒருவருக்கே உரிய எஸ்டேட்டு களின் கிராமப் பணியையும், தமிழ்நாடு பரம்பரை கிராமப் பதவிகளையும் (ரத்து செய்யும்) மசோதா (ச. பே. மசோதா எண். 16/1968).

THE HON. THIRU K. A. MATHIALAGAN : Mr. Deputy Speaker, Sir, I beg to move—

" That the Madras Proprietary Estates' Village Service and the Madras Hereditary Village Offices (Repeal) Bill [a], 1968, be taken into consideration ".

The Madras Proprietary Estates' Village Service Act, 1894 (Madras Act II of 1894) and the Madras Hereditary Village Offices Act, 1895 (Madras Act III of 1895) provide for the hereditary system of appointment of Village Officers. This system was in force with certain exceptions in the districts of Chingleput, South Arcot, Tirunelveli, Madurai, Ramanathapuram, Coimbatore and North Arcot and in portions of Tiruchirapalli and Salem districts. The Supreme Court held in Gazula Dasaratha Rama Rao *versus* State of Andhra Pradesh (1961 I.S.C.J. 310) that section 6(1) of the Madras Hereditary Village Offices Act, 1895 (Madras Act III of 1895) embodying the principle of hereditary right in the matter of appointment of Village Officers involved discrimination on the ground of descent only contravening Article 16 (2) of the Constitution and was therefore void. The Government examined the judgment of the Supreme Court. As the principle of hereditary appointments has been held to offend the fundamental rights, the Government decided to repeal the Madras Proprietary Estates' Village Service Act, 1864 (Madras Act II of 1894) and the Madras Hereditary Village Offices Act, 1894 (Madras Act III of 1895) and certain other enactments dealing with Village Officers. After repeal of these enactments the service conditions of the Village Officers will be regulated by the rules to be framed under the proviso to Article 309 of the Constitution as in the case of other Government servants.

I request the House to accept the motion.

மாண்புமிகு பேரவைத் துணைத் தலைவர் : அமைச்சர் முன் மொழிந்த தீர்மானம் அவையின்முன் விவாதத்திற்கு வைக்கப் படுகிறது.

*** திரு. ஆர். பொன்னப்ப நாடார் :** சார், இந்த மசோதாவை ஆதரித்து ஒரு சில கருத்துக்களை அவைமுன் வைக்க விரும்பு கிறேன். இந்த ஹெரிடிடரி கிராம முன்சீப் சம்பிரதாயத்தை

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a Published in the *Fort St. George Gazette* Extraordinary, dated 19th August 1968.